

IN THE IOWA DISTRICT COURT IN AND FOR LINN COUNTY

THEODORE BELL,	)	
	)	CASE NO.
Plaintiff,	)	
	)	
vs.	)	ORIGINAL NOTICE
	)	
	)	
ARCHER-DANIELS-MIDLAND	)	
COMPANY,	)	
	)	
Defendant.	)	

**TO: THE ABOVE-NAMED DEFENDANT**

You are notified there is a Petition at Law and Jury Demand on file in the office of the clerk of the above court. A copy of this filing is attached. The Plaintiff's attorney is Thomas J. Currie, Currie & Liabo Law Firm, whose address is 1853 51<sup>st</sup> Street NE, Suite 1, Cedar Rapids, IA 52402. The Plaintiff's attorney's phone number is (319) 826-3781, with a facsimile transmission number of (319) 774-5638.

You must serve a motion or answer within **20** days after service of this Original Notice upon you and within a reasonable time thereafter, file your motion or answer in the Iowa District Court for **Linn County**, at the county courthouse in **Cedar Rapids**, Iowa. If you do not, judgment by default may be rendered against you for the relief demanded in the petition.

If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at 563-589-4448. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942.)

\_\_\_\_\_  
CLERK of the above Court  
Linn County Courthouse  
Cedar Rapids, Iowa

RECEIVED  
OCT 14 PM 12:18  
LINN COUNTY, IA  
SHERIFF'S OFFICE

**IMPORTANT**  
**YOU ARE ADVISED TO SEEK LEGAL ADVICE AT ONCE TO PROTECT YOUR INTERESTS**

EXHIBIT A

**STATE OF IOWA JUDICIARY**

Case No. LACV081830

County Linn

Case Title THEODORE BELL VS ARCHER DANIELS MIDLAND CO

**THIS CASE HAS BEEN FILED IN A COUNTY THAT USES ELECTRONIC FILING.**

Therefore, unless the attached Petition and Original Notice contains a hearing date for your appearance, or unless you obtain an exemption from the court, you must file your Appearance and Answer electronically.

You must register through the Iowa Judicial Branch website at <http://www.iowacourts.state.ia.us/Efile> and obtain a log in and password for the purposes of filing and viewing documents on your case and of receiving service and notices from the court.

FOR GENERAL RULES AND INFORMATION ON ELECTRONIC FILING, REFER TO THE IOWA COURT RULES CHAPTER 16 PERTAINING TO THE USE OF THE ELECTRONIC DOCUMENT MANAGEMENT SYSTEM:  
<http://www.iowacourts.state.ia.us/Efile>

FOR COURT RULES ON PROTECTION OF PERSONAL PRIVACY IN COURT FILINGS, REFER TO DIVISION VI OF IOWA COURT RULES CHAPTER 16: <http://www.iowacourts.state.ia.us/Efile>

Scheduled Hearing:

If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at (319) 398-3920 . (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942.)

Date Issued 10/10/2014 09:40:53 AM



District Clerk of Linn  
/s/ Cindy Textor

County

POLK COUNTY, IA  
SHERIFF'S OFFICE

2014 OCT 14 PM 12:18

RECEIVED

IN THE IOWA DISTRICT COURT IN AND FOR LINN COUNTY

THEODORE BELL,	)	
	)	CASE NO.
Plaintiff,	)	
	)	<b>PETITION AT LAW AND JURY</b>
vs.	)	<b>DEMAND</b>
	)	
	)	
ARCHER-DANIELS-MIDLAND	)	
COMPANY,	)	
	)	
Defendant.	)	
	)	

COMES NOW the Plaintiff, and for his cause of action against Defendant states as follows:

1. At all times material hereto, Plaintiff was a resident of Marion, Linn County, Iowa.
2. At all times material hereto, Defendant was a Delaware corporation with its principal place of business in Illinois, and was doing business in the State of Iowa.
3. On or about March 14, 2013, Plaintiff filled out an employment application to work at Defendant's plant in Cedar Rapids, Iowa, seeking a wet mill utility position.
4. On or about March 28, 2013, Plaintiff had a telephone interview for the job position.
5. On or about April 12, 2013, Plaintiff had an in-person interview for the job position.
6. On or about April 30, 2013, Defendant extended, via telephone, a conditional offer of employment to Plaintiff, conditioned upon completion of passing of a background check, drug screen, and pre-employment physical.

7. On or about May 2, 2013, Plaintiff had a "post-employment physical" by Dr. Jeffrey Westpheling.

8. On or about May 2, 2013, Dr. Westpheling concluded Plaintiff was not functionally capable of performing the essential functions of the job position sought by Plaintiff, ostensibly because Plaintiff has a seizure disorder.

9. Plaintiff's seizure disorder is controlled by medication, and Plaintiff has had no symptoms related to his seizure disorder for at least 22 years.

10. Defendant refused to hire Plaintiff because of a disability, or perceived disability, namely Plaintiff's seizure disorder.

11. Defendant's refusal to hire Plaintiff constitutes illegal discrimination based on disability, or perceived disability, in violation of the Iowa Civil Rights Act.

12. Defendant's refusal to hire Plaintiff constitutes illegal discrimination based on disability, or perceived disability, in violation of the Americans with Disabilities Act.

13. The conduct referred to in Paragraphs 11 and 12 constitutes intentional discrimination subjecting Defendant to liability for punitive damages under the law.

14. Plaintiff has exhausted his administrative remedies, and has obtained a right-to-sue letter from the Iowa Civil Rights Commission. See Exhibit "A", attached hereto and by this reference made a part hereof.

15. As a result of Defendant's illegal discrimination, Plaintiff has suffered damages including, but not limited to, past and future lost wages, and past and future loss of employment benefits, which damages exceed the jurisdictional requirements of Rule 6.3, Iowa Rules of Appellate Procedure.

WHEREFORE, Plaintiff demands judgment against Defendant for a fair and reasonable amount of compensatory damages, which damages exceed the jurisdictional requirements of Rule 6.3, Iowa Rules of Appellate Procedure, for punitive damages as provided by law, for interest as provided by law, for attorney fees as provided by law, and for the costs of this action.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury in the above-captioned matter.

CURRIE & LIABO LAW FIRM, P.L.C.

By:

  
THOMAS J. CURRIE AT0001817  
1853 51<sup>st</sup> Street NE, Suite 1  
Cedar Rapids, IA 52402  
Ph.: (319) 826-3781  
Fax: (319) 774-5638  
E-mail: tcurrie@currieliabo.com

ATTORNEY FOR PLAINTIFF

Administrative Release  
(Letter of Right-To-Sue)

To:	) From:
	)
MR. THEODORE BELL	) Iowa Civil Rights Commission
2325 24TH AVE	) Grimes State Office Building
MARION, IA 52302	) 400 E. 14 <sup>th</sup> Street
	) Des Moines, Iowa 50319
Complaint CP# 01-14-65309      EEOC# 26A-2014-00341C	

This is your Administrative Release (Right-To-Sue) Letter issued pursuant to Iowa Code Section 216.16 and 161 Iowa Administrative Code Section 3.10. It is issued pursuant to the Complainant's request.

The following conditions have been met:

1. The complaint was timely filed with the Iowa Civil Rights Commission (ICRC) as provided in Iowa Code Section 216.15(12);
2. Sixty (60) days have expired since the complaint was filed with ICRC;
3. None of the exceptions set forth in Administrative Rule 161 – 3.10(4) are applicable.

With this Administrative Release, the Complainant has the right to commence an action in district court. That action must be commenced within ninety (90) days of the issue date **7/17/2014**. *The Right-to-Sue Letter is not a finding by ICRC on the merits of the charge. ICRC will take no further actions in this matter.*

A copy of this Administrative Release/Letter of Right-To-Sue has been sent to the Respondent(s) and counsel(s) as shown below. The Code allows any party to obtain a complete copy of the case file after a Right-To-Sue has been issued. Requests for copies should be directed to Annette Flaherty at ICRC.

The Iowa Civil Rights Commission  
Phone: (515) 281-4121  
FAX: (515) 242-5840

cc: File

THOMAS J. CURRIE, Complainant's Attorney  
KIMBERLY RYKHUS, Respondent's Attorney  
ARCHER DANIELS MIDLAND  
ARCHER DANIELS MIDLAND CO. CORP.

ICRC/S36 (24)

Exhibit A

## RETURN OF SERVICE

### In the Iowa District Court For LINN COUNTY

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Case Name: THEODORE BELL

vs

ARCHER DANIELS MIDLAND COMPANY

Case No.: LACV081830 Sheriff's File No.: 14020978

Notice rec'd : 10/14/2014

### STATE OF IOWA POLK COUNTY } SS.

I certify that I served a copy of : ORIGINAL NOTICE/PETITION/JURY DEMAND

to ARCHER DANIELS MIDLAND COMPANY Type of service: COMPANY  
REPRESENTATIVE

by delivering a copy to: LAURA GRAHAM

a person at least 18 years of age described as AGENT AUTHORIZED TO ACCEPT

Address of service: %CT CORP 400 E COURT AVENUE #110 DES MOINES, IA 50309

Date and time of service: 10/16/2014 10:15 AM

Trips:

### Comments:

### FEES:

MILEAGE FEE (\$1.12)  
PROCESSING FEE (\$30.00)  
Total:\$31.12

BILL McCARTHY Sheriff

Polk County, Iowa



ELIZABETH O'BRIEN Deputy/Server